

REMARKS

The indication that claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, is acknowledged. By the present amendment, the features of claim 6 have been incorporated into parent claim 4 such that claim 4, as amended represents claim 6 written in independent form, and applicants submit that claim 4 should now be in condition for allowance. Additionally, claim 6 has been canceled with dependent claim 5 being amended to correct informalities and to depend from claim 4, as amended, such that dependent claim 5 should also be considered allowable with parent claim 4.

Also, by the present amendment, in light of the drawing objection that reference characters 101 and 104 of Fig. 1 and 104 of Fig. 2 are not mentioned in the description and that the second sector marked 208 as described at page 9, line 32 of the specification is not illustrated, the description of Fig. 1, at page 6, has been amended to describe a casing 101 and a voice coil 104 which is referred to as VCM 104 noting that page 7, line 23 of the specification refers to VCM 104 in relation to Fig. 2. Furthermore, page 9, line 32 of the specification has been amended to refer to second sector marked 208b as illustrated in Fig. 3a of the drawings of this application as well as other figures. Thus, by the present amendment of the specification, applicants submit that the drawing objection should be overcome and amendment of the drawing is considered to be unnecessary.

Applicants further note that the specification has been amended to correct the spelling of "recording" with the claims also been amended to correct the spelling of "recording".


As to the rejection of claims 1 and 4 under 35 USC 102(e) as being anticipated by Belser (US 6,643,082) and the rejection of claims 2 and 5 under 35 USC 103(a) as being unpatentable over Belser (US 6,643,082) in view of Baker et al (US 6,704,156B1) applicants submit that such rejections have been obviated by the cancellation of the rejected claims or the amendment of the claims to incorporate the features of dependent objected to claims therein and/or the amendment of the claim to depend from an allowable claim. In this regard, although there is no stated rejection of claim 3, applicants have canceled claims 1 - 3, amended claim 4 to incorporate the features of objected to claim 6 therein such that claim 4 should be in condition for allowance together with its dependent claim 5. Accordingly, applicants submit that as recognized by the Examiner, claim 4, as amended, and its dependent claim 5 patentably distinguish over the cited art and a discussion of the cited art in relation thereto is considered unnecessary.

In view of the above amendments and remarks, applicants submit that claims 4 and 5, the only claims remaining in this application, should now be in condition for allowance, and issuance of an action of a favorable nature is courteously solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 520.43197X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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